



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 7022-98
6 July 2000

Dear [REDACTED]

This is in reference to your request for further consideration of your original application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552, as well as your new request for restoration to active duty effective 2 December 1997.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 22 June 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice concerning your release from active duty and discharge from the Naval Reserve on 2 December 1997. In this regard, it noted that you were found fit by the officer who conducted your pre-separation physical examination, as well as by an orthopedic surgeon. Your unsubstantiated contention that you were unfit for duty was rejected by the Board. As you were not unfit, there is no basis for granting your request for restoration to active duty or for disability retirement. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board did not consider your request for further consideration of your initial application because you did not submit any new material evidence of error or injustice.

The Board noted that available records suggest that you completed sufficient service to qualify for retired pay at age 60. It recommends that you contact the Commander, Naval Reserve Force, for an official determination in that regard. If it is determined that you have completed sufficient qualifying service, you should consider submitting an application to the

Board in which you request correction of your record to show that you were transferred to the Retired Reserve, vice discharged from the Naval Reserve.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director